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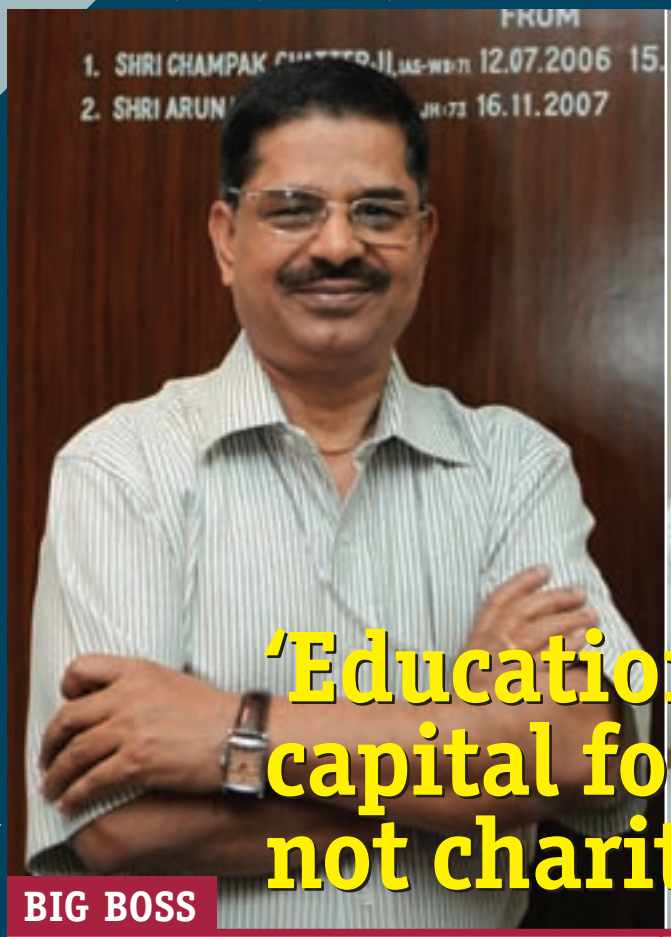
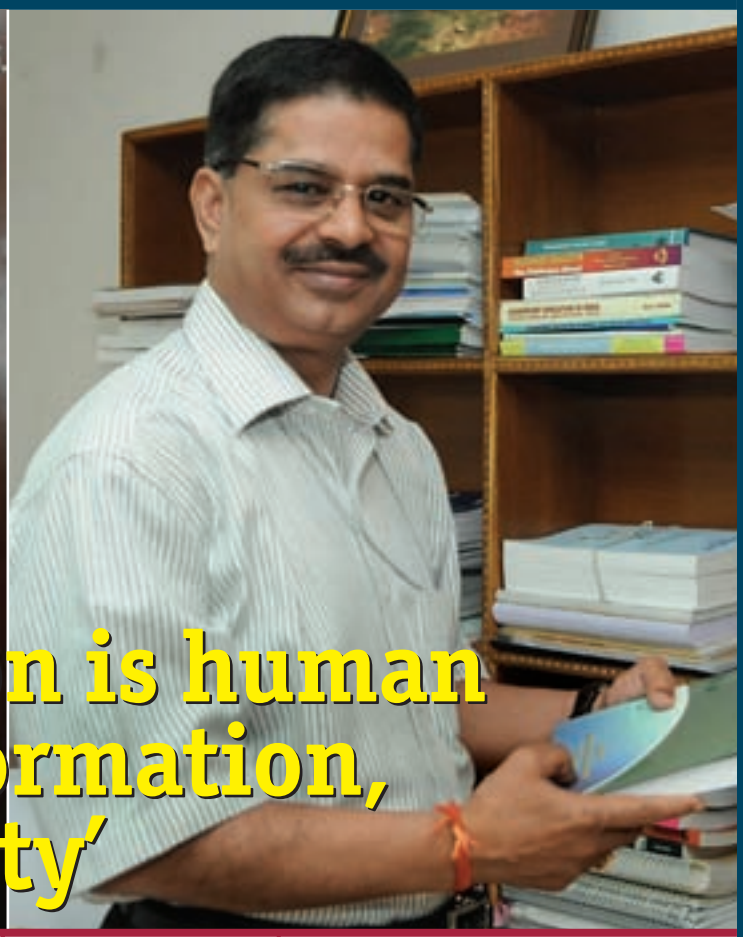
R.N.I. NO: DELENG/2007/19719

gfiles
INSIDE THE GOVERNMENT





FOTOS4INDIA

'Education is human capital formation, not charity'

BIG BOSS

secretary, school education and literacy | arun kumar rath

interviewed by ANIL TYAGI

Born in Mayurbhanj, Orissa, Arun Kumar Rath had a brilliant academic career – securing top positions in the Orissa School Board, Utkal University and Delhi University examinations. An MSc in physics, he joined the IAS in 1973 as a member of the Bihar cadre (now Jharkhand). In a career spanning over three decades, he has been Collector of Begusarai and Muzaffarpur, Director of Social Welfare and Industry, Divisional Commissioner of Muzaffarpur, and Secretary in the Departments of Education, Industry, Science and Technology in Bihar. He moved to the Centre in 2000 as Joint Secretary in the Department of Public Enterprises. In 2004, he became Additional Secretary and last year Special Secretary and Financial Adviser for the Ministries of Steel, Earth Sciences and NonConventionalEnergy.

Rath has also studied management at the universities of Birmingham and Bradford, and is a Fellow of the All-India Management Association. He has delivered lectures on management in universities and business schools in India and abroad. He has also stayed at the Indian Research Station, Maitri, in Antarctica. He was the first Indian to be elected Chairman, Standing Committee of the Commission for Conservation of Antarctic Marine Living Resources.

He has been Secretary, Department of School Education and Literacy, Government of India since November 2007. His major tasks include universalization of elementary education under the Sarva Shiksha Abhiyan, provision of mid-day meal for all children in primary and upper primary schools, creation and upgradation of secondary schools, and thrust to the adult literacy programme in order to achieve the goals of Education for All by 2015. He enjoys yoga and light classical music.

gfiles: *What is the country's mission regarding primary education?*

Arun Kumar Rath: You must see it in the context of universalization of elementary education for all children aged 6-14 years, which is a national goal. It is also a Constitutional mandate in the context of right to education as enshrined by the amendment in Article 21A

→

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BIG BOSS

of 2002. It requires us to provide free and compulsory elementary education, from Class I-Class VIII. Our mission is to impart primary education to every child in the country.

gfiles: *What is the objective regarding the child's future? Is the goal just to make children literate or to lead them towards job orientation or to make them better citizens?*

AKR: The objective is universalization of elementary education. You see, 26-30 crore adult citizens are illiterate. This is incompatible with our being a world leader.

gfiles: *The goal is a literate India?*

AKR: Yes, literacy at the initial level, minimum level of education.

gfiles: *Literacy is a must and you want to ensure that the majority have passed at least Class VIII?*

AKR: Yes, "Class VIII-pass" is a must. We have a programme to make 30 crore illiterate people literate. We want to catch them young so that they become responsible

'Elementary education for all children aged 6-14 years is a national goal.... Our mission is to impart primary education to every child in the country'

educated citizens. This also prepares them for secondary schooling which, in turn, gives a foundation for higher education. This is the focus of primary education. And it is essential to make it available to everybody in the country without any gender or social discrimination or regional disparity. The Sarva Shiksha Abhiyan (SSA) is a flexible programme designed for achieving universalization of elementary education.

gfiles: *In the world scenario, where do we stand in the context of primary education?*

AKR: There are many assessments but I would regard India as around 100th which is improving every year. When we talk of the educational development index, adult education is also a parameter and adult education is a huge problem for the country. But primary education is doing well. We have already covered about 97 per cent of our children aged 6-14. Our goal is to set up one primary school within 1 km of every habitation, habitation being a unit below the village.

gfiles: *How many primary schools are there?*

AKR: We have set up about 2 lakh new primary schools under the SSA in addition to 10 lakh existing primary schools. Our goal is to cover the entire country with primary schools within two years. The SSA has two parts – primary and upper primary. A primary school within 1 km and an upper primary school within 3 km. We have achieved 97 per cent success for primary, and about 90 per cent for upper primary.

gfiles: *What is the teacher-student ratio in primary schools?*

AKR: It varies from state to state. The average ratio is 1:40.

gfiles: *How many children are in primary schools and how many in upper primary?*

AKR: About 20 crore in all elementary schools – with one-third in upper primary and two-thirds in primary.

gfiles: *Teachers, particularly in primary schools, lack enthusiasm, motivation and basic skills to teach.*

AKR: We are taking steps to improve teachers' quality. We have decentralized the process of teacher recruitment and management.

gfiles: *What do you mean by decentralization?*

AKR: The teachers should be local, so that they stay in the area. Then we have village education committees, school management committees, and also teachers and panchayat representatives. Further, every teacher in the SSA stream is required to undergo 20 days of orientation, and a refresher course through the Block and Cluster resource centres and the District Institute of Education and Training (DIET).

We give yearly grants to every teacher to develop innovative teaching aids and methods. Then there is a school grant to develop innovative teaching aids. These two funds collectively make the teaching process more enjoyable for the students.

gfiles: *Children from the adivasi belt, back-*

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VOL.2, ISSUE 5 | AUGUST 2008

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Published and printed by Anil Tyagi on behalf of
Sarvashrestha Media Pvt. Ltd at Mayur Print House,
A 29/1 Naraina Industrial Area, Phase-1, New Delhi-110028

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LETTERS: Your publication is impressive, very well-written and carefully researched, and appears to meet a genuine need for insightful perspectives on the working of our government. Congratulations.

Shashi Tharoor, via email

Continued on page 4

From the Editor-in-Chief

IN the larger perspective of the Indian political scene the nuclear debate has demonstrated a yawning deficit in what is an otherwise mature, healthy, vibrant – even if somewhat corrupt and raucous – democracy. Though the country has created the infrastructure – an Election Commission with teeth, timely polls, Parliamentary norms, a multi-party system – that has propelled the democratic process, the nation, its institutions, and politicians are still to establish a system of consensus-building on public policy.

The greatest threat to any country's stability is the absence of a nation's common will –to repeat the word, "consensus" – on public policy. A nation that is unable to agree on the basic parameters of what constitutes the national interest in the various streams of social, economic, and foreign policy currents that can determine its destiny, can prepare neither for war to defend its sovereignty and territory, nor for peace.

Where national interests – public policy – are clearly defined, warring political groups can fight to the bitter end over various issues but unite in a national cause in which narrow, political partisanship is sacrificed at the altar of the national good.

We may differ with America on its foreign policy double standards or on Corporate America's predilection to dominate the world. But none can help but admire its open, transparent political system in which intra-party democracy flourishes and the whole nation unites behind the chosen leader despite acrimonious debates, below-the-belt hitting, and scathing excoriations, once the people have given their verdict. The focus then shifts to performance and implementation. This is because the system is designed to work against the kind of divisiveness that will rip apart the national fabric.

In the US, there is a running public consensus – on the broader parameters of foreign policy, on civil rights, on the environment, on the sanctity of free speech, on respect for institutions and institutional safeguards, on consumer protection and so on. On these public policy issues, the country remains more or less united unless a paradigm imbalance occurs as during the Nixon years when the Executive tried to assert its pre-eminence in the balance of powers between the various arms of government. This created a national divide but equilibrium was restored when Republicans and Democrats, Conservatives and Liberals united to impeach the President.

In India, a beginning was made in this direction with the Directive Principles of State Policy, but the political class has failed to clearly identify public policy issues and rally the nation behind them. In one sense, the quest for energy security, with nuclear power playing a critical supplemental role, had been enunciated as public policy by Nehru during his first year as Prime Minister when he chose Dr Homi Bhabha to head the newly-created Atomic Energy Commission.

In the debate and rancour we are now witnessing, it is clear that this incipient public policy issue was politicized to such an extent that the nation lost its moorings. Similarly, there is no national consensus on seminal issues that can divide and set the nation on fire – reservations, the merit system in higher education, the control of monopolies and oligopolies, land use, national minorities, urban planning and restructuring, civil service reform, water management, prison reform, animal welfare, nuclear proliferation and disarmament, the regulatory framework, a social security framework, a long-term definition of security and foreign relations, a solution to the Naxalite problem, to name a few.

These are areas on which the nation's politicians, no matter which party they belong to, can surely develop broad-based agreement in order to give continuity and a long-term political identity to the nation instead of dividing it for opportunistic gain. *gfiles* has over the last year focused on the multifarious issues that affect good governance in the editorial belief that without best governance practices, no dispensation can deliver quality of life and social justice to ordinary people. Working towards larger public policy goals is a key component of good governance and *gfiles* will from time to time focus on this theme.

In this issue, we feature the IC Centre of Governance's recommendations on how to tackle the explosive issue of land acquisition and resettlement. It is a matter for a public policy consensus that will not change no matter who wins elections. What I have recommended in this brief comment is an important step that will move our politicians into a more constructive, issue-based mutual engagement.

INDERJIT BADHWAR

LETTERS

Continued from page 3

I would like to keep an electronic copy of MG Devasahayam's excellent open letter to the Prime Minister on the nuclear deal (July 2008) but could not find it on your website, even though all the other articles are there. Even on going to the author's section in the "other columnists" listing, I still could not find it. Kindly email it to me.
Admiral Vishnu Bhagwat, via email

If Mr Badhwar and his team use this magazine constructively as a bridge between the common man and the people responsible for governance, it would be a service to society.
Rama Naidu, Gurgaon

Is *gfiles* meant for IAS/IPS only? There are other All-India Services also, notably the Indian Forest Service, doing yeoman service for the cause of the people of this country – and doing it as well as they can! Yet I find no mention of this "country cousin" of the two services you constantly take cognizance of. Can we look forward to a change of heart?
Santosh Gupta, via email

The article titled "Cry baby competition" was strikingly partisan. The uniformed services have become cry babies since successive Pay Commissions have acted as agony aunts without doing anything more.

Your conclusion that IAS officers quitting government are employed in top corporate-sector jobs because of their managerial ability reminds me of similar appointments of retired bureaucrats by the then Birla Group. These officers were given fat salaries, posh offices and all attendant perks.

The only difference was that no paper ever reached them for disposal nor any office work was assigned to them. Just once in a while, when some important company work encountered a road-block in some government office, were they required to do some liaising and get it cleared either through their acquaintances or their insider knowledge of the working of the department. The system still works to the mutual benefit of both.

If the colonial attitude of the police is a popular whipping post so should be the generalist administrative services functioning with a similar mindset.
JP Gupta, via email

BIG BOSS

Continued from page 2

ward classes and minorities are still out of your reach. The response that should have been there in Chhattisgarh, Jharkhand, Rajasthan and the Northeast is not there.

AKR: One reason is access to the schools. In remote, hilly and desert areas – even in the plains – some states have not been able to build schools in the required number. When you do not have access, then attendance becomes a problem. And if you don't have access, you don't have teachers and books. Now we are giving free textbooks. Once you provide this, every parent wants to send his children to school and every child wants to study.

gfiles: *What about the problem of dropouts, particularly in tribal areas, in Scheduled Caste clusters?*

AKR: We have identified special focus districts and areas with high dropout rate. We give special attention by providing extra funds to augment the infrastructure. These districts are showing higher enrolment and lower dropout rate because of this intervention. The mid-day meal is also intervention to retain the child in school besides increasing the nutritional status of the child.

In 2001-2002, when the SSA was started, the dropout rate was as high as 40 per cent. After SSA intervention, figures till 2005-2006 suggest it has come down to 20 per cent. Today, it is 15 per cent.

gfiles: *What is the reason for dropping out? Is it lack of parental motivation or infrastructure?*

AKR: A gamut of factors. More than parental apathy, it is lack of access. It is also linked to quality. If the school is not providing quality education. If the parents feel the child is going to school and coming back without learning, they consider it a waste of time. Take girls. We are taking a series of measures for girls' education. The school must be gender-sensitive. The girl child must feel welcome in the school atmosphere. The national curriculum framework of 2005 insists on gender sensitivity of the curriculum. More and more women teachers should join as girls feel encouraged in their presence. Another initiative we are taking is toilets. A study has shown that if you provide separate toilets for girls, enrolment goes up and the dropout rate goes down.

gfiles: *Aren't parents in the remotest parts still hesitant to send their daughters to school?*

AKR: No. This situation existed some time back. Because of our initiatives to have more women teachers, toilet facilities, gender-sensitive atmosphere and curriculum, now the situation is different. Often, the girl child is expected to take care of the young sibling at home. To overcome this difficulty, we have got a tie- up with the Integrated Child Development Services (ICDS) programme which sometimes runs in the school itself. Under the programme, Anganwadi centres are run for below-6 children. We encourage the younger sibling, below 6 years of age, to come to school with the elder sister and also avail of the mid-day meal.

'Malpractices are severely punished. One state remained debarred from getting the fund for months for misappropriation'

gfiles: *How much money is the government spending on education?*

AKR: Almost 2 per cent of GDP in the current year's budget. We don't feel any shortage of funds for our educational programmes. Happily, school education is now perhaps the second largest department regarding Plan funds, next only to rural development. State governments also share 35 per cent of funds.

gfiles: *Education being a concurrent subject, you have to deal with the states without intervention. Don't you think the states are performing differently, not coming up to your expectations?*

AKR: On the other hand, I would consider it a partnership programme between state and Centre. All the states and Union Territories are part of it. We try to ensure that state governments also release their share in the same proportion as us.

gfiles: *Which state would you rate the best?*

AKR: According to the Educational

'Navodaya schools ranked first followed by Kendriya Vidyalaya, run directly by my department. Private schools rated lower'

Development Index, we have identified eight states – Bihar, UP, MP, Chhattisgarh, Jharkhand, West Bengal, Orissa and Rajasthan – as lagging behind. They require greater attention on our part. Infrastructure needs to be developed. In two years, they will meet the national standard. The trends are very encouraging. Out-of-school children were 3.5 crore in 2001-2002. It came down to 75 lakh in 2006-07 and 45 lakh in 2007-08.

gfiles: *What are you doing for out-of-school children?*

AKR: There are three angles – enrolment, retention and dropping out. Enrolment has gone up, dropping out has come down drastically and out-of-school children have come down from 3.5 crore to only 45 lakh. This is great success.

gfiles: *But some states have done well with their own education formula.*

AKR: We encourage the state governments to innovate and learn from each other's experience. Orissa got the national civil service award for the child tracking system. Every out-of-school child is tracked, monitored, the reason found out and efforts made to bring him back to school.

gfiles: *What about the widening disparity in educational standards between rural and urban areas?*

AKR: I would say disparity is reducing as more funds are going to backward areas. We can't bring it down to zero overnight. If you see the allocation of funds...

gfiles: *But the funds are not yielding the desired results.*

AKR: The funds are necessary for good quality infrastructure, appointing teachers. Earlier, those areas had no schools, teachers, teaching material, teacher training. This is helping to minimize disparity significantly.

gfiles: *Nowadays, nobody prefers government schools.*

AKR: The figures speak otherwise. As per a survey conducted by CBSE to evaluate the performance of all schools run on its pattern, the Navodaya schools ranked first followed by Kendriya Vidyalaya – both run directly by my department. Private schools are ranked lower. The craze for English attracted people towards private schools 10 years back. Now that every state has made English compulsory in schools at different levels, this craze is disappearing. The quality and qualification of teachers in government schools is undoubtedly better than private schools. Even the pay structure may not be better in private schools.

gfiles: *Don't you think it's because of the sheer number (12 lakh) of government schools that the performance is better?*

AKR: Roughly, two-third schools are government and one-third private.

gfiles: *Are you satisfied with the return from the huge investment – 22 per cent of the budget – on human resource?*

AKR: I would say ignorance is the costlier investment.

gfiles: *Any alternative to this huge investment in nation-building?*

AKR: There is no alternative. We should have done it earlier. Today the concept of education is human capital formation, not just charity. It's no more a wasteful investment but investment for formation of human resource capital.

gfiles: *A common complaint across the country is that the textbooks are not available even in mid-term and the quality of printing and the subject matter is not up to the mark.*

AKR: NCERT plans the syllabus, textbook writing and revision on a continuous basis. It's a huge task. NCERT-produced books are not sufficient for the entire country, and are put on the internet to enable state governments to download them almost free.

gfiles: *Now coming to the subject of business houses eying school property in the name of private-public partnership. Can you save your properties from them in prime areas?*

AKR: Yes. Regarding the elementary schools, we insist on construction through the Village Education Committee and not the contractors. The rule says the state government or district authorities cannot appoint contractors. They have drafted their own engineers at the block level and village level too as per need. The fund is provided. The technical manpower should be available as per requirement of every district and every block.

gfiles: *People are trying to woo the District Education Officer and are submitting proposals to start computer classes in your properties.*

AKR: There is absolutely no private sector in the SSA up to elementary school. We are pure government schools and no govern-

ment school can be let out for private education. If you are talking of secondary education, the matter has not yet come up. If at all it comes up, it is for the government to decide and evolve the mechanism to allow it. Otherwise, we are pure government schools or government-aided schools or municipal schools or corporation schools or local body schools.

gfiles: *What steps are you taking to modernize the educational system and techniques?*

AKR: Modernization has to take place. The Educational Satellite (EDUSET) is one innovation that offers the advantage of distance learning. Every teacher can be trained to use it. I have set up an academy for teachers in IIT, Kharagpur in which the IIT faculty is getting involved in enhancing the level of science and maths teaching in schools. I went for the inauguration of this facility on July 10, 2008. We will extend it to other parts of the country. In the upper primary schools, we are providing Computer Aided Learning (CAL). We don't want every young child to start fiddling with computers. We encourage it at the upper primary level or maybe in Class V.

gfiles: *But computers and teachers are conspicuous by their absence. The manpower is short.*

AKR: We have sanctioned 11 lakh teachers under SSA who are employees of the states and not the Centre. We only provide money to recruit teachers and the 35 states/UTs have to appoint them. Owing to varying recruitment systems across the states, some delay is bound to happen. But out of 11 lakh teachers, 8.5 lakh have already been appointed during the last five years and the remaining 2.5 lakh have to be appointed by the end of the current year. Also, due to mass recruitment the quality sometimes suffers. To overcome this, we intervene and subject the deficient teachers to distance mode training of IGNOU through our 20-day refresher course.

gfiles: *Have you transferred the funds to the states?*

AKR: Funds are made available every year. For 2008-09, in February, March and April we had 35 project approval boards and in the very first month of the financial year all sanctions were issued with 10 per cent advance release. Now we have enough time for implementation of the programme.

gfiles: *In the Indian context, schools are the prime resource centre of every village and all developmental and human activities revolve around it. Should then the school be made the nodal agency of all developmental efforts?*

AKR: This would lead to dilution and diversion of teaching in the schools which I don't want at the moment. I would recommend remedial teaching for 5-10 per cent of slow learners in school during spare time. Beyond teaching, no other activities should be undertaken.

gfiles: *Budgetary provision has risen from 7.7 per cent in the Tenth Plan to 20 per cent in the current Plan. Are you satisfied the way funds are being utilized in the wake of a large number of complaints?*

AKR: Yes. We have a number of checks and watchdog committees at every level to ensure proper utilization. The World Bank, Department For International Development (DFID), the Commonwealth, and the European Commission are our partners in this programme with support of 10-15 per cent. They too have a Joint Review Mission. They appoint an independent national consultancy to select almost one-third of the states and make their assessment on the spot. We also have 41 national monitoring institutions independent of the government. They are all on the Web and can be accessed. We bear their cost. Then we have formed the district-level monitoring committee of all the MPs, MLAs. Just three months back, we have formed district-level monitoring committees with a public representative on each. We have got the services of retired government auditors from the Indian Institute of Public Auditors.

gfiles: *Misuse of funds is not possible?*

AKR: I won't say impossible. Nobody can eliminate malpractices totally. But we are certainly watchful to minimize it. Malpractices are severely punished. One state remained debarred from getting the fund for several months on the charge of misappropriation of funds until it punished the guilty and improved the system.

gfiles: *Reports suggest the SSA has landed in the hands of unscrupulous elements.*

AKR: I don't think so, because of the presence of so many watchdog machineries with parents as the stakeholders. Parents are also actively involved in local management committees.

gfiles: *The mid-day meal takes up about 2-3 hours. Should the government continue with it?*

AKR: The mid-day meal scheme has the twin objective of increasing the nutritional status of the child and retaining him in school. The family has to feed the child and so they encourage him to enter the illegal child labour market. The mid-day meal scheme takes this load off the parents and the child is encouraged to go to school. g

'I have set up an academy for teachers in IIT, Kharagpur in which the IIT faculty is getting involved in enhancing the level of science and maths teaching in schools'

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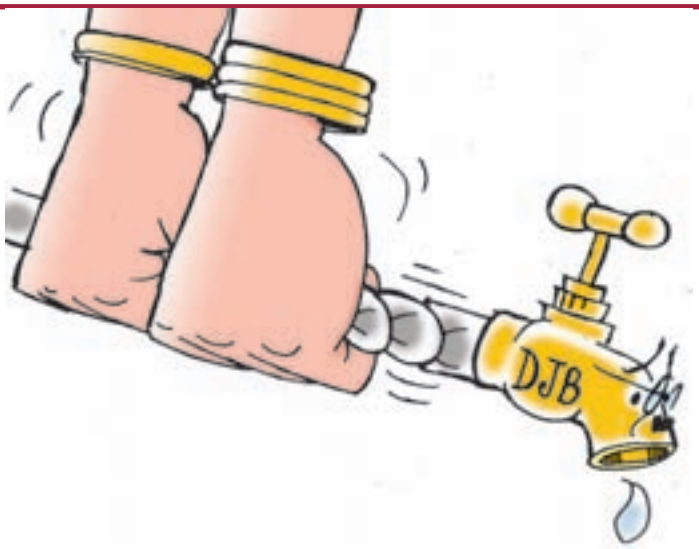
wheeling-dealing here 'n' there

The Dixit-Dhawan front
sis comes to sheila's aid



SHEILA DIXIT, completing her second innings as Congress Chief Minister of Delhi, is busy guarding her throne from the political mafia of the state and, in the process, still learning some lessons. Her rivals have spread the message that though she never ignores Congress workers, redressal of grievances comes only after certain inevitable considerations are taken care of. Coming to her rescue at this critical moment is her sister, Rama Dhawan, unofficially designated as her alter ego. Dhawan sits in Dixit's official residence daily and meets the party workers and visitors. She listens to their complaints and then calls officials to urge them to redress grievances. A verbal message has reportedly been transmitted down the hierarchy at the Secretariat that her calls are to be entertained. However, in reality, babus – unwilling to forgo the considerations that should be coming their way – are hesitant to oblige her.

Recently, a senior mediaperson applied for a water connection but found that the Jal Board staff would not budge without a payoff. He wrote to Dixit and got a reply saying the connection would be installed soon. Dhawan instructed the Jal Board accordingly. But the consideration factor prevailed for long until a vigilance inquiry was instituted. After Dhawan once again intervened and stated in no uncertain terms that she meant business with honesty, the connection materialized.

Gory goings-on in Assam
murder, forgery, bribery

THE recent arrest of Assam Education Minister Ripun Bora by the CBI in Delhi on the charge of paying Rs 10 lakh to hush up his involvement in an old political murder not only gratified the victim's family, but the two state politicians understood to be behind his arrest are elated at having settled scores with him. Following the arrest, he was dropped from the Cabinet – to the exultation of Mani Kumar Subba and Himanta Biswa Sarma.

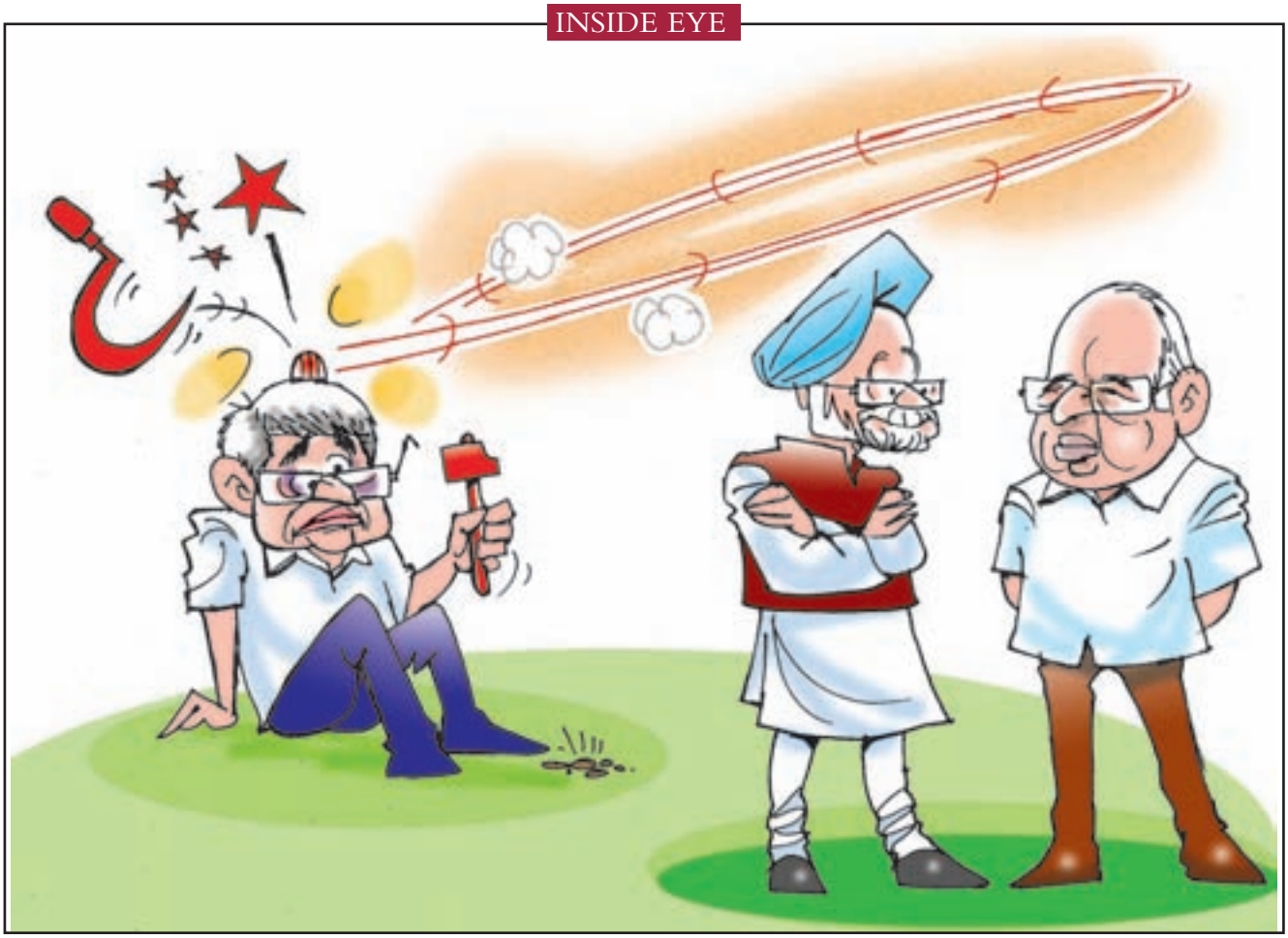
Not that these two have reputations to be proud of. Subba is a controversial Congress MP, lottery king and key fund-raiser of every party while Sarma is the state Health Minister and *de facto* Chief Minister. Subba is believed to be a Nepali citizen who fled to India after he was sentenced in a murder case. In April, in a case of forged nationality against Subba, the CBI informed the Supreme Court that his birth certificate and several other documents submitted by him to the Election Commission appeared to be fake. Bora then took the lead in demanding action against Subba.

Sarma, then a member of the United Liberation Front of Asom (ULFA), was arrested in 1991 on extortion charges. He later joined the Congress. He teamed up with Subba to get rid of Bora.

But Bora made the mistake of thinking it was easy to bribe the CBI to cover up his involvement in the murder case. And he fell into the trap, in the process bringing even the CBI under the scanner!

When Pranab gets bullish
saarc mandarins jump

ONE of the reasons that the 15th SAARC summit of August 2-3 this year held in Colombo under the chairmanship of Sri Lankan President Mahinda Rajapakse was a little more purposeful than the previous ones was External Affairs Minister Pranab Mukherjee's directives to the Indian Ministry of External Affairs that the South Asian grouping should transform itself from a mere debating society to a



ILLUSTRATIONS: ARUNA

mission-oriented organization.

The operative line was that India should push SAARC from "a declaratory phase into an implementation phase". Foreign Secretary Shiv Shankar Menon informed the South Block mandarins that the Minister was "bullish on SAARC" and that the theme of connectivity should be carried forward to implement concrete projects and upgrade regional cooperation and integration, through facilitating trade, transport and telecommunication links such as harmonization of customs procedures.

To foster the new slogan of "people-to-people" links, Menon quickly approved four events during the course of the current year: a SAARC Fusion Bands Festival; SAARC Literary Conference; SAARC Theatre Festiva; and SAARC School Student Exchange Progamme.

VIB (Very Important Beat) scramble to cover congress

FOR journalists, it always pays to secure this coveted beat – covering the headquarters of the ruling party. The number of new-generation journalists covering the Congress has risen dramatically from about a hundred to over 300 in the last couple of years. The print media outnumbers the electronic media overwhelmingly.

While the younger lot is thrilled at covering the Congress, their seasoned seniors show up only after repeated requests by the party's media cell. The beat journalists arrive at the party office in the morning and stay till evening. Those in the media cell say that the twin job of developing personal rapport with a chosen party leader and reporting back to the owner of the media house the daily developments at the party office is what keeps them busy the entire day. Predictably, in the process, the report filed at the end of the day becomes the casualty.

Surprisingly, a gender bias has been discovered relating to toilet facilities at the media cell office. Male journalists are seen heading toward bushes and the boundary walls, while their female counterparts are barred from using the toilets attached to the rooms of the general secretaries. And the common facility is no better than that provided by the municipal corporation. The party, champion of women's empowerment, is now facing flak from the irate women journos. g

Indian Archaic Service?

Is the IAS stuck in a time warp?

by MG Devasahayam

Sixty years after Independence the administrative head of the district is still called "Collector", a nomenclature given by the colonial rulers because the officer's primary function was to collect land revenue. This is not even a pittance now and s/he performs a hundred other tasks but yet is called Collector. This archaic title is deeply embedded in the mind of the *aam aadmi* and for him even a Chief Secretary to the State Government or Secretary to the Government of India is only a "Collector *sahib*"!

Among governance instruments, the Accountant General's office was perhaps the most archaic. I had my brush with this office in the early 1970s when I took over as the first Deputy Commissioner of the newly formed district of Bhiwani in Haryana, bordering the deserts of Rajasthan. In Punjab, Haryana and some other states, the Collector is called Deputy Commissioner. This is also archaic since there is no Commissioner in the district, so to whom is s/he a deputy? Only at the divisional level is there a post of Commissioner, who is more of a figurehead!

Soon after I assumed charge as DC, the district suffered a severe fodder famine with precious livestock facing starvation and death. Being a dry, desert area, the district had hardly any fodder crop and other districts of Haryana were not of much help. For major supplies, we had to depend on Punjab.

Official holds court: local raja?

I put the officialdom on alert and within days truckloads of fodder started arriving from Punjab. Though, due to timely intervention, starvation deaths were averted, the emergency supply had to continue for at least two or three months before the situation stabilized.

But after about a week or so supplies started dwindling and the crisis reemerged. On enquiry, it was found that the fodder suppliers were not being paid because the Treasury Officer had refused to release funds despite a requisition signed by me. I was furious and the Treasury Officer was summoned pronto. With trepidation he said that he was helpless because I had no authority to requisition funds under this head because the AG Office had not yet authorized me as the Drawing & Disbursing Officer.

I was at my wits' end and spent the next day calling everyone who mattered, including the Financial Commissioner (Revenue), Chief Secretary and the mighty AG himself. The FCR told me that the proposal was pending with the AG for over two months despite several reminders. Even the fact that the top two political leaders of the State – Chief Minister Bansi Lal and Speaker Banarasi Das Gupta – hailed from Bhiwani did not help.

My urgent letters to the AG elicited no response. I was desperate because fodder supply was grinding to a halt and there was unrest among the villagers. It was then that I remembered the "emergency provisions" in the Revenue Manual, which I had studied for my departmental examination. I dug up the book and there it was. In the event of war, internal disturbances and natural calamities, the DC could draw unlimited money from the treasury after recording the reasons in writing.

Within hours, formalities were completed and adequate funds drawn and paid to the suppliers. After that everything went smoothly, the crisis was resolved and the situation stabilized. Weeks afterwards, I received a curt reply from the AG's Office that the proposal was still under processing and, pending authorization, I could not draw any money from the treasury! The letter found its deserved place: the trash bin!

The bulk of IAS officers in state governments serve in areas related to revenue and land administration, which are the most archaic. This is indeed strange because with IIT and IIM incumbents, the IAS profile is increasingly becoming modern. It is time grass-roots administration got modernized too, lest the IAS acronym turn into Indian Archaic Service! g

Sixty years after Independence the administrative head of the district is still called 'Collector', a nomenclature given by the colonial rulers because the officer's primary function was to collect land revenue

Steeling the frame

Despite corrective mechanisms administrative lapses remain

THE Executive is not only an integral part of the governance set-up but a wing of the Constitution. The government, in its day-to-day working, has to deal with scores of tasks for which it has personnel from the level of Secretary down to that of peon. Apart from performing functions, which include important policy decisions, the government has to play a quasi-judicial role regarding discipline, governance and regulation of the conditions of service of its personnel.

But litigation between the government and its servants reached such levels that it led to the constitution of a Central Administrative Tribunal by a Parliamentary Act under Article 323-A of the Constitution in 1985. The Tribunal has since, with a country-wide network in the form of Benches, successfully achieved the objective of disposal within six months of such disputes. Further, this is accomplished in a cost-effective and non-complicated manner.

Though, in the course of discharge of administrative functions, government servants have been committing irregularities, cases regarding promotion, unsettled seniority and individual grievances of removal and dismissal from service are the commonest.

A major problem is that when a case shows up basic legal infirmities, and this is brought to the notice of the government by the Tribunal and the courts, no rectification is undertaken to prevent any repetition in future. Thus, this leads to multifarious litigation and also wastage of government money.

Though institutions like the Central Vigilance Commission have been established, yet to err is a part of human nature. But the orders passed by the Tribunal and the courts are not taken in the right perspective for legal teaching and remembrance of law, so that the fault in the administrative process can be corrected in time. Had there been a vigilant attitude, there would have been a marked difference in approach.

Another aspect is that, while discharging administrative or quasi-judicial functions, government servants do not exercise discretion. There are safeguards to ensure that no government servant is victimized or imparted the sort of treatment that he does not deserve legally under the Constitution. But there are government servants who resort to illegal and immoral ways to satisfy their ulterior objectives and they should not be spared. When these persons are proceeded against, some small illegality allows them to go scot-free. This is hardly congenial to the system. Rather, it encourages such people and sets a bad example for others. It promotes negativity.

Thus, in the matter of governance, even the Executive must apply its mind and keep in consideration the rules, principles of natural justice and dicta laid down by the courts and the Tribunal so that its actions are free of anything that can bring about litigation. This will contribute to satisfaction at the working of the government, which is in the public interest.

(The writer is member (J), Central Administrative Tribunal, Principal Bench, New Delhi)

CAT: how just?

When a case shows up basic legal infirmities, and this is brought to the notice of the government by the Tribunal and the courts, no rectification is undertaken to prevent any repetition in future. This leads to waste of money

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Cry, my beloved country

The Culture of Entitlement and the Culture of Extortion are gnawing at our innards

by Niranjan Desai

ALL those who care about good governance and the rule of law must be dismayed, nay shocked, by the cumulative effect of several seemingly isolated events. I am referring, one, to the filing of charges against a former Minister of External Affairs, Madhav Singh Solanki, for attempting to subvert the course of law in the notorious Bofors case. Another development is the filing of charges against a senior Indian Foreign Service official, Rakesh Kumar, for indulging in human trafficking, when he headed the Indian Council for Cultural Relations. The third is the conviction of an Indian Administrative Service official, currently Chief Secretary of Jharkand, in the celebrated Bihar fodder case, with which the current Railways Minister is also linked.

So we have the spectacle of a senior leader of the oldest political party in the country and two members of the most coveted civil services of the country facing the wrath of the law for acts of commission in contravention of the oaths of office they undertook to uphold the Constitution.

And, if this was not enough, we have had the sordid spectacle of political bribery (the naming of Lucknow airport after Charan Singh, to quote one example), political chicanery, alleged misuse of the government's investigative agencies, and the shameless and brazen deal-making preceding the vote of confidence in Parliament on July 22. The horse trading that went on converted one of the most august institutions in the country into, so to say, a meat market!

What are we to make of all this? It is apparent that the system of governance and the entire value system that should go with it are in terminal decline. In the 58th year of our Republic, the institutions of governance are hollow, eaten up by the termites of corruption, apathy, cynicism and the strange Hindu sense of resigned acceptance. While each one of us individually and collectively should be concerned about this abject state of affairs, the common refrain one hears is "So what's new!", "*Sab chalta hai*", and "What do you expect of our ruling class?" and so on. Others put on a brave face and say that this too shall pass and India will eventually emerge stronger!

It's a strange optimism, defying logic, for how can India emerge stronger if its institutions are dying? The absence of any sense of shame and outrage at these shenanigans speaks volumes about our national ethos, if any.

We can trace the beginning of the decline of the institutions so assiduously built and nurtured by the sensitive and visionary Jawaharlal Nehru to 1973 when, ironically, his own daughter began the assault on the institutions of the Republic to institute personal supremacy. In the process, by various acts of omission and commission, she gradually managed to destroy her own party, the independence of the civil services and the judiciary.

This chipping away at the institutions reinforced the latent tendency of feudalism which is still at the heart of the Indian polity and society. The fracturing of the Congress monolith gave rise to parochial regional satraps who demanded their pounds of flesh for support to national political parties.

The tendency to capture power at any cost gradually gave rise to a new "Culture of Entitlement" in which politicians and bureaucrats sought to acquire power and wealth for themselves and their hangers-on under the general rubric of democracy. The ends justified the means.

This Culture of Entitlement in turn spawned a "Culture of Extortion". Anything to do with the government, be it getting a ration card or a driving licence or a building permit or an import licence, began to involve paying a premium. The worst affected class has been what is generally referred to as the "*aam adami*", by whose name every politician and every political party swears.

A recent survey in the *Hindustan Times* (July 21) showed that Delhi's poorest paid enough bribes over the last 12 months to buy 10 Mercedes Benz cars. Extrapolating this on a national scale, the figure for the Culture of Extortion would be mind-boggling.

The Culture of Entitlement and the Culture of Extortion have become an integral part of the life of all of us, whether an individual citizen or a corporate entity. And there seems no escape from it!

Every Indian has only two options. To hang one's head in shame for allowing things to come to this pass and bequeath this dubious legacy to the next generation, or do something, however small in measure, to uplift the country from this quagmire. g

There is an apparent rule of law but it operates in a strangely Indian way: 'Show me the man and I shall show you the Law.' The political authority and the ruling class lack credibility and respect, and discipline is breaking down everywhere

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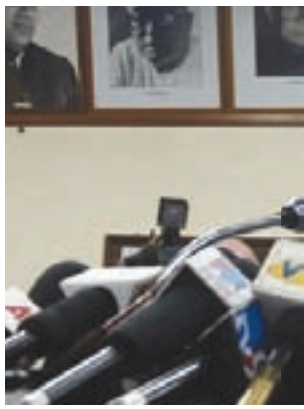
THE AYES V
OF SOMNATH

The imbroglio has grave Constitutional implications and challenges s

by Girish Nikam



Karat (middle) announced Chatterjee's expulsion: national furore

THE summary expulsion of Lok Sabha Speaker Somnath Chatterjee from his party, the CPI(M), has raised several questions about the relationship between the Speaker and his party, once he occupies the post. The issue came to the fore when the CPI(M), along with its other Left partners, decided to withdraw support to the UPA government, and directed Chatterjee to resign from his post. Faced with this unprecedented situation, the Speaker in his wisdom decided that he need not follow his party's diktat.

The decision of the party to expel him using the "extraordinary" situation clause has come in for much criticism, from all quarters, though it has been pretty muffled within his own party so far. The argument of the supporters of Chatterjee that once a Speaker occupies the post he is no more considered as belonging to the party he was elected from, has found a lot of takers. However, neither the Constitution nor Parliamentary rules and procedure makes any such explicit assertions. It is more in the form of expectation and tradition and therefore does not have any legal or Constitutional backing.

It is not clear even now why Chatterjee took the stand he did, as he has not come out with any clarification. Was it his conscience not permitting him to vote against the UPA government, and consequently vote alongwith the BJP, or was it his conviction that the position he holds cannot be subjected to party diktats? What is, however, known is that he did consult several Constitutional experts—he himself has a lot of knowledge of Constitutional law, having been a barrister himself—and many of them felt that there was no need for him to resign.

However, the argument in his favour that in his position as the Speaker he has no party identity and is the custodian of the House, which belongs to all parties, suffers infirmity when one considers Chatterjee's own track record in the last four years since he became the Speaker. He did resign from the Central Committee of the CPI(M) after he was elected Speaker, though the party neither expected him to do so nor did it want him to. His decision to resign ostensibly was to keep himself above party affiliations and to reassure the members of the Lok Sabha that he was being neutral and unbiased.

However, it is confirmed by authoritative sources within the party and those close to him, that he did continue to pay the membership fees as well as the levy which is charged by the CPI(M) from all its MPs all through these last four years and two months. The question which the party is asking, and justifiably so, is: having retained his full membership of the party and followed all its rules, how can he claim (if he has done so, one is not sure), that his party's diktats don't apply to him?

It is a fact that all the other Speakers preceding Chatterjee had also continued to be members of the parties they had been elected from, and even went on to occupy posts both in the party and government, after their term as Speaker ended. In any case, neither the Constitution nor even the practice or tradition bars any of them from doing it.

However, the predicament faced by Chatterjee was unprecedented and therefore has opened up a fresh debate. It is now time for the law-makers to take a re-look at the Constitution and the role of the Speaker and his duties, and, more important, his party's authority over him, once he occupies the post. Is it possi-

Was it his conscience not permitting him to vote against the UPA, and alongwith the BJP, or was it his conviction that the position he holds cannot be subjected to party diktats?

ERSUS NAYS
CHATTERJEE

s some fundamental principles of the Parliamentary party system

ble and feasible to insulate him from the party, so that the successors of Chatterjee don't come into clash with their parties?

Many more questions are bound to crop up as the debate enlarges. Talking of the debate enlarging, it would also have to encompass the unsavoury happenings in Parliament, before and during the confidence vote. Was it right on the part of the Speaker to go ahead with the proceedings of the confidence motion, even after having been apprised in a rather shocking manner(wads of currency being strewn in the Well of the House) of attempts at horse trading? Would it have been better if the proceedings were put off for the Speaker to make a *prima facie* inquiry about the allegations? What methods will have to be adopted in case of such allegations to bring the culprits to book?

What happens to the outcome of the confidence vote if later, after an inquiry, it is found that there indeed were attempts to buy MPs? What happens to the MPs who have made allegations, if their claims are proved wrong?

Meanwhile, even as these issues need a serious and immediate debate to bring about the necessary changes to avert such happenings in future, we also need to have a closer look at the anti-defection Act.

As these issues need a serious and immediate debate to bring about the necessary changes to avert such happenings in future, we also need to have a closer look at the anti-defection Act

When the anti-defection law was envisaged and passed and incorporated in the Tenth Schedule of the Constitution during Rajiv Gandhi's Prime Ministership, in 1986, many loopholes were left. It has merrily been used (misused would be more appropriate) by the same parties which passed the law after expressing much concern over the defections. In 2003, further amendments were made to the Act to plug some loopholes, one of which was to make defections legal only if two-thirds of the party in the legislature or Parliament splits, from the previous one-third.

However, it is evident now that many more amendments are necessary so that the spirit of the Act is not trampled upon, by utilizing the loopholes in it.

For one, there is a need to bar MLAs and MPs from occupying any office for a specific period of time after they resign from their elected position and join another party. This would discourage the kind of "deals" struck in Karnataka with the four opposition MLAs, who were made ministers and Chairman of a Board, by the BJP government recently.

Also, there should be stricter laws to ensure that those who defy party whips in situations like the one we saw during the confidence vote, are barred from becoming members of another party for a specific period of time. This would not only discourage such cross-voting, but would also provide a dis-incentive to the political parties to woo potential defectors.

It could also be considered to bar those who get disqualified under the anti-defection law after the due process of law is observed, from contesting elections, at least for a specific period of time, or from the one which is held immediately after their defection. This would also work as a serious dis-incentive to switch parties at will or for a consideration.

Anti-defection laws, like all laws, are prone to misuse and it is therefore essential to periodically do a reality check about its efficacy and bring about necessary amendments to make them more effective. Of course, the law-makers who will have to be relied upon to make these changes may just do it and also find new loopholes. But then eternal vigilance of civic society is the only safeguard of democracy. g

The Centre cannot hold...

Things are falling apart, we must take note before it is too late

THE piece by Prakash Singh, former DG, UP police, titled "100% tolerance for corruption" in the July issue was worthy not only for highlighting the issue but for coming from a person who has been an important part of the system. It stirs the conscience. Corruption does not make people squirm or flinch at the mention of it anymore. Rather, people now look for such facilitators who can make their lives a bit simpler. But the instances narrated put our entire edifice to shame. But, again, will that so much as cause a ripple?

An earlier issue carried an article by former Cabinet Secretary Prabhat Kumar, saying that most of the people filing applications under RTI were none other than those who could not make it to the civil services! This perception was a world apart from Prakash Singh's. While the thinking and motives of the two former bureaucrats can be endlessly analysed, the issues of inefficiency and corruption remain important.

More than politicians, it is officialdom which is responsible for this wrong-doing. A politician's public perception and method to achieve his ends can be fulfilled only through the bureaucracy; the onus thus lies on the latter to guide, perform and deliver. And if that component becomes ineffective or collusive, then the entire cycle changes speed and tone. A slight deviation would result in corrupt practice and it goes on increasing.

Corruption emanates from absolute power, absence of accountability and ignorance. The administrative system inherited from the British gives unbridled power and authority but it fails to fix responsibility. The culmination or the end report is never assessed, the good and the bad are not identified. Or else how could so many Commissioners go with excellent ACRs in MCD when there are flagrant violations?

Transparency International has highlighted India's record. We profess to be a land of seers and great thinkers. We claim to be the inheritors of a profound culture, philosophy, civilization and education. We occupy an enviable position in world history. Yet, paradoxically, our position is a matter of concern.

There is underlying unrest in the nation today. There might be sporadic expression of it but the undercurrent is very strong. This indicates the gruelling misfortune of the common man. Attacks on law-enforcing personnel and law-makers are indicative of what is imminent. Lack of a sense of belonging, the overriding

A high-ranking official in the Planning Commission, who was cited for a major penalty by the CVC, was allowed to complete his term. There could be no political compulsion to have him there

PM with bureaucrats: can they meet the challenge?

demeanour of the authorities, failure of touted policies, denial of an equitable ratio of growth, and corruption lurking behind every edifice and babu – none seems to be assessing the gravity of such a situation. People at the helm are too busy totting up their exploits. Agencies rope in minions, hoping to create an impact to meet their targets. Courts work at a snail's pace. The common man, who is supposed to be the be-all and end-all of these systems, is ignored. Are these not the reasons for revolutions in history? The lesson seems to have been forgotten.

We may heap praise on an honest Prime Minister but doesn't his spotless image get tarnished when he gathers people of dubious background around him? A high-ranking official in the Planning Commission was cited for a major penalty by the CVC but was allowed to complete his term, is a case in point. There could be no political compulsion to have him there, yet he continued.

Corruption sprouts and then flowers because of change in the values of those who administer. The old ideals of morality, service and honesty have come to be regarded as a virtual anachronism. But responsiveness, accountability and transparency are a must for a clean system. Bureaucracy, the backbone of good governance, should be made more citizen-friendly, accountable, ethical and transparent. The RTI Act needs more teeth.

More courts are needed to dispense speedy and inexpensive justice. There are instances where officials are also hounded by seniors for not toeing the line and implicated in false charges. All such services matters should be fought with the concerned department paying the harassed staffer's litigation costs. Why should an honest person be penalized and made to suffer financially too? A time-frame of three months should be fixed. In case found guilty, the official shall then foot the entire legal expense. Further, immunity provided to senior officers from prosecution should immediately be done away with. To protect the honour and rights of officers against harassment, if the charges are proved frivolous the perpetrators should not be spared. g

(The writer is a former director, Doordarshan)

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This Raj-on-a-fast-track defies obsolesce

THOUGH the present-day Indian Railways dates from the division of the railways of the subcontinent in 1947-48, the railways have a historical and physical continuity. The major part of our railroad system was built in the second half of the 19th Century. It came as a part of the British Empire, as an imperialist tool for colonial expansion and rule, for movement of troops, arms and ammunitions, and for trade. Indian Railways was the first industry which came as a vanguard of the capitalist system, releasing labour from feudal bondage, creating consciousness of rights and introducing a new class structure. Indian Railways has been the main instrument in creating a single identity geographically, leading to the concept of a nation. It is difficult to think of industrial development, new urban habitats and the sense of the modern without the contribution of the railway.

One of the great post-Independence achievements was the reorganization of the railways. In 1947, the railways had 42 rail systems, big and small, which included major government railways such as East Indian, Great Indian Peninsula, Bombay, Baroda, and Central India Railway; several major state railways; and small systems of the princely states of Rajasthan and Gujarat. In 1951-52, the network was consolidated in six zones, and expanded to eight shortly afterwards by making South Eastern and Northeast Frontier as separate zones. In 1966, the ninth zone of South Central was created. In another reorganization 50 years later in 2002, seven more zones – East Central (headquarters at Hajipur), North Central (headquarters in Allahabad), North Western (headquarters at Jaipur), West Central (headquarters at Jabalpur), South East Central (headquarters at Bilaspur), East Coast (headquarters at Bhubaneswar), and South Western (headquarters at Hubli) – were created for decentralization and streamlining management. The merit of this reorganization is disputed by some who think that the exercise, which increased unproductive expenditure, was a populist step satisfying regional aspirations. It has been called reorganization in reverse – balkanization of the railways rather than consolidation.

Rail Minister Laloo Yadav: steaming ahead

Post-Independence, the railways have many significant achievements such as setting up of production units for self reliance, introduction of diesel and electric locomotives, and construction of major bridges. Rajendra Pul at Mokameh across the Ganga opened for traffic in 1959, Saraighat bridge on the Brahmaputra in 1962, and another bridge on this river at Jogigopa in 1999. Two outstanding projects are the Konkan Rail Project and Operation Unigauge, the conversion from metre to

In the beginning...

Significantly, the railway became a reality in India just 28 years after the first train in Britain in 1925. Before Partition, the railway network was 71,555 km. After Partition, Indian Railways was reduced to 53,000 km. Within a month, it moved 7,00,000 displaced people; 40,00,000 or four million were moved for resettlement over long distances. The snapped link to Assam and the Northeast was reconstructed by building a line of 227 km in two years and opened on January 26, 1950. Rawalpindi and Lahore, the railheads for Jammu and Kashmir, were now in Pakistan. A new link from Mukerian to Pathankot was opened in April 1952. The major seaport for maritime trade, Karachi, was also now part of Pakistan. Indian Railways constructed a 274-km line on the West Coast to the new port of Kandla in two years and 10 months, opening it in 1952.

the Road

e nce and facile socio-economic type casting

Amartya Sen says infrastructure cannot be a business. Railways are heavily subsidized by the state even in the US, Germany and France

broad gauge. The 760-km broad gauge line of the Konkan Rail from Mumbai to Mangalore was constructed in eight years and opened for traffic in 1998 – a saga of engineering expertise, devotion and untiring effort of a dedicated team under E Sreedharan, former Member, Engineering of the Railway Board and currently Managing Director, Delhi Metro. The idea first occurred to WF

Signals Up Up and Away

Chittaranjan Locomotive Works was set up in 1950 for production of steam engines which were earlier imported from Europe and the US. It produced 2,351 engines. It was perhaps the only locomotive works in the world to be converted from steam-engine production to electric-engine production in 1971-72. It has produced over 3,000 electric engines of 12 designs. CLW also produced 842 diesel engines. Electric traction is the mainstay of train operation today.

The Integral coach factory at Perambur opened by Prime Minister Nehru on October 2, 1955 has an annual production capacity of 1100 coaches. The coach factory at Kapurthala, set up in 1935, has produced over 12,000 coaches or 35 per cent of the coaches in service.

The Diesel Locomotive Works, Varanasi deserves special mention. In the 1950s, diesel traction saved the economy, and the railways. DLW was started in 1961 in collaboration with American Locomotive Company (ALCo) and rolled out its first engine in 1964. It has produced over 4,500 locomotives with an annual capacity of about 150 engines. In the context of self-reliance, the wheel and axle plant at Bangalore and the diesel components works at Kapurthala, which were set up later, also deserve mention.

The introduction of diesel and electric engines brought about a quantum jump in capacity and performance. In 1950-51, the total operation of Indian Railways was by steam locomotives, except for 388 km (including Bombay area and a strip from Madras to Tambaram). There were 72 electric engines and Electric Multiple Units (EMU) which operated suburban services. The number of steam locomotives was 8,120 which increased to 10,312 in 1960-61. Industrialization and expansion of trade and travel were taking place, and steam traction was not equal to the task.

Simultaneously, from the late 1950s, electrification of heavy trunk routes started. By 1970-71, 7,447 km of track was electrified. By 1990-91, it was 18,954 km. Today, 33,623 km stands electrified. The Railways have 4,816 diesel engines and 3,294 electric locomotives, many of which are heavy-duty, high-speed units.

Passenger and freight services have grown phenomenally. From 1,280 million in 1950-51, the number of passengers has reached 6,219 million in 2006-2007. Freight traffic has gone up to about 750 million tonnes a year. In terms of assets, the total investment of the Railways stands at Rs 1,30,168 crore from Rs 850 crore 60 years ago.

Expansion of air conditioned services with a number of Rajdhani and intercity Shatabdi express trains, computerization of one of the world's largest reservation systems, and of freight operations information systems are key areas of modernization of which the Railways can certainly feel proud.

Konkan railroad: sterling success

But Indian Railways' progress has been incremental, a result of chasing the demand and, as a monopoly, providing service as a favour. As road traffic, the alternative mode of surface transport developed, the railways continued to lose their share which now stands at 20 per cent in passenger and about 40 per cent in freight traffic

Sinclair, Asst Collector, Colaba (now Raigadh) in 1882 but became a reality 114 years later with a 6.5-km tunnel and long bridges across the Mandovi and Juari rivers in Goa. From 1992 to 2002, 11,000 km of metre gauge was converted to broad gauge, removing a bottleneck, reducing distances, and opening alternative routes.

But Indian Railways' progress has been incremental, a result of chasing the demand and, as a monopoly, providing service as a favour. As road traffic, the alternative mode of surface transport developed, the railways continued to lose their share which now stands at 20 per cent in passenger and about 40 per cent in freight traffic. Until recently, by protecting the monopoly of the Container Corporation of India (Concor), the railways have been virtually throttling export and import traffic and pushing it to long hauls by road to ports. One hopes that the recent unshackling of container train operation will bring about a change in the modal split and encourage traffic.

The new economic regime did not encourage the railways to change their monopoly mindset of a government department which is also an industry. This duality gives the system unbridled freedom in matters of policy and implementation. This monolith required to be restructured and corporatized, as the Rakesh Mohan Committee recommended. But what IR did was spatial reorganization, carving out seven more zones and several new railway divisions. The railways continued to be totally insular, with production units, design and all the services captive under monopoly control. The inevitable fallout is low speeds, low-capacity wagons and indifferent service.

IR is the country's biggest mode of transport. It constitutes essential infrastructure, the wheels of the economy. But the government considers it a business. As Amartya Sen says, infrastructure cannot be a business. Railways are heavily subsidized by the state even in the US, Germany and France. In our neighbourhood, China has built a railway line in Tibet. It can boast of passenger services at 250 kmph and developing technology aimed at 300 kmph and beyond.

Privatization would perhaps be too abrupt and not practicable at this stage. Where are the takers for this capital-intensive transport system, with long gestation periods, subsidized fares and antiquated, effete structure? The Report, therefore, recommended restructuring and reorganization. The core business of IR is transportation. So it should concentrate on the core and spin out the rest. Core business and infrastructure should be separated; the vertical division of technical (infrastructure) departments should be removed.

After seminars, high-level meetings and discussions, the Report was accepted and dumped. The political leadership and the railway bureaucracy did not want to part with power. The departmental fiefdoms faced dismantling. For the political leadership IR is an instrument of populism for doling out subsidy in passenger fares, new trains, stations, uneconomic rail projects responding to local and regional aspirations.

There are heavy arrears of track renewal, with over 5,000 km of track added on every year. Conjuring up profits and dividends is a comforting thought; but where is the capital for investment?

Several decisions have lately been taken for faster network expansion and modernization. Dedicated (double-line) freight corridors between Delhi and Mumbai, and Delhi and Kolkata (Howrah) on two arms of the Golden Quadrilateral for 5,500 km on a time-bound basis is an ongoing ambitious mega-project. Financial help for it is coming from Japan.

The recent Rail Budget holds out many promises. People are happy to hear that freight rates and fares will not be increased. The Budget talks of Railway Vision 2025, modernization of signalling systems, bulk handling terminals, 6,000 automated ticket vending machines, 50 big passenger terminals, CCTV at stations, green toilets in trains, and stainless steel coaches. It announces a Rs 250,000-crore plan for technical modernization and of Rs 75,000 crore for infrastructure upgradation. The Budget also declared a time-bound plan of developing 20,000 km of high-density network. These declarations certainly inspire optimism. After all, there is the new directorate to look after public-private participation, the Rail Vikas Nigam, dedicated Freight Corridor Company (or Corporation!).

For a yesteryear railwayman, it is easy to lambast gleefully, to be a repository of knowledge, ideas and all solutions. The one thing he does not seem to know is structural changes. So the structure created by the Raj survives, like elsewhere in the government. And the system rumbles along. According to the principles of aerodynamics, the bumble bee cannot fly. The bumble bee does not know this, so it flies anyway. g

(The writer was Additional Member (Traffic), Railway Board)

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No more scorched earth

Two Bills represent an attempt to define the state's role in land acquisition and resettlement

THE IC Centre of Governance discussed the Land Acquisition (Amendment) Bill and the Resettlement and Rehabilitation Bill introduced in Parliament at a recent meeting chaired by Justice JS Verma, former Chief Justice of India. PRS Legislative Research made a presentation of the issues involved and the salient points requiring consideration.

The two Bills have several welcome features. For the first time, the contours of 'public purpose' in the context of land acquisition are being delineated. For the first time, the subject of rehabilitation is sought to be given a statutory foundation. Till now it has been confined to several different policy statements of the state governments and acquiring organizations.

While the Land Acquisition (Amendment) Bill, 2007 proposes to clarify the meaning and extent of public purpose and provide for improvement in attendant administrative machinery, the Resettlement and Rehabilitation Bill, 2007 seeks to create new administrative structures for resettlement and rehabilitation of affected persons at the central and state levels.

While acquisition of land for public purpose and attendant displacement in the colonial regime was claimed as a right of the State under eminent domain, the R & R Bill must now accept that the State has an unconditional duty to resettle and rehabilitate all

HOW TO PUT REAL TEETH

Topic	Land Acquisition Amendment Bill, 2007	Clause Number	Recommendations
Public Purpose	In the Bill, the definition of the public purpose begins with: "the expression 'public purpose' includes...."	5 (v)	Typically, the use of the word 'includes' means that in addition to what is being stated, other also can come within the definition. The statement of objects and reasons states that the definition of public purpose should be exclusive, but the language in the Bill does not convey this. Using the word 'includes' will lead to litigation in court for adding to the stated purposes. Instead of "the expression of 'public purpose' includes", the Bill should read "the expression 'public purpose' means..." to remove any ambiguity.
Compensation	The Bill states that the Collector should take the highest value of: (1) the minimum land value for the area as specified in the Indian Stamp Act, 1899; (2) the average sale price of at least 50% of the higher priced sales of similar land in the village or vicinity; or (3) the average sale price of at least 50% of the higher priced land purchased for the project.	13	The use of the phrase 'at least' creates problems in the interpretation of this clause. When the Collector has the option of taking 'the average of at least 50%...', he may also take the average of more than 50% of the higher priced land (and still comply with the provision). Taking the average of more than 50% of the higher priced sale deeds would effectively reduce compensation given to the land owner. The intention appears to be to take the average of the higher priced 50% of the sale deeds. The clause currently does not clearly reflect this intention. It should clearly state that the compensation should be computed based on an average of 50% of the highest priced land purchased. The clause should be rephrased to avoid any ambiguities. Also, the word "average" could imply arithmetic mean, median, geometric mean, etc. The Bill should clarify that the arithmetic mean shall be used.
Land Acquisition Disputes Settlement Authority	The Bill creates the Land Acquisition Disputes Settlement Authority to resolve all land acquisition disputes. The Authority is composed of 2-3 members with either administrative or judicial qualifications.	17A (5)	The Bill does not require at least one member of the authority to have judicial qualifications. The composition of the Authority may have members without judicial qualifications (i.e. 2 members from the executive). The Authority has judicial functions. Therefore, the Bill should require the chairperson of the Authority to be from the judiciary and the rest of the members can be from the executive.
Profits from Future Sales	The Bill states that whenever acquired land is transferred, 80% of the profits must be shared with the original land owners.	54 (B)	The Bill does not set a time limit for how long profits from future sales of the land should be shared with the original land owners. This would lead to implementation problems of tracking the original owners and their heirs. The Bill should indicate a specific time limit for this provision.

Nandigram: human tragedy

the affected citizens so that they are able to maintain, if not improve, the present standard and way of living. It should not be seen as an act of benevolence or as a welfare/relief measure. The modern concept is of sustainable development, wherein all development should be 'rights'-based with the displaced being treated as stakeholders entitled to share as beneficiaries of the development project.

The Statement of Objects and reasons mentions minimizing displacement, protecting livelihoods and improving living conditions, but the Bill does not make them mandatory. Rehabilitation involves replacing the lost economic assets, rebuilding the community systems that have been affected adversely and taking care of the psychological trauma of forced alienation from livelihood.

Therefore, the provisions should be free from ambiguity and conditionality. Rehabilitation should not be limited to the extent permitted by external circumstances and subject to conditions. The discretionary powers vested in the state and the numerous conditions mentioned in the Bill may result in unenforceability of certain provisions.

The R&R Bill equates involuntary displacement caused by planned exercise of coercive powers of the State with displacement caused by chance natural calamity. While the policy document requires residency of three years, the Bill requires residency of five years. This needs to be corrected.

Similarly, the policy document mentions employment guarantee for five years, whereas the Bill does not make any mention of this. There is 'gender inequality' in the Bill in that it makes provisions for adult sons but not adult daughters. The Bill does not provide safeguards against double or triple displacement, which has happened in the past in some cases. There is no time-frame for rehabilitation. Absence of penalization of responsible officials is another lacuna in the Bill. The Land Acquisition Act, 1894 specifically mentions that any person obstructing the process of acquisition is liable to imprisonment or fine. With a view to improving the Bills, a number of suggestions were made *(see tables)*.g

(The writer was Cabinet Secrectary, Governer of Jharkhand and Chairman , IC Centre for Governance)

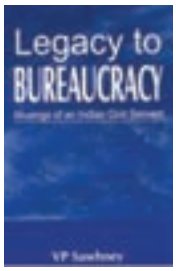
IN THE LEGISLATION

Topic	Rehabilitation and Resettlement Bill, 2007	Clause Number	Recommendations
Benefits	The Bill creates two categories of displacement (more than 400 families in the plains or 200 families in the tribal or hilly areas), and those that fall below this number. The benefits listed in the Bill are available for those 400/200 displaced families.	4, 9, 20 (1) & 34	The Bill does not clearly state which R&R benefits apply when fewer than 400 families in the plains or 200 in hilly or tribal areas are displaced. Even if one family is displaced, it needs to be rehabilitated. The impact for even one is the same irrespective of the size of the group displaced. The Bill should clearly state that all benefits are available to all displaced persons and change the language to remove any ambiguity.
Residency Requirements	The Bill provides benefits to those displaced families who have resided in a place for at least 5 years.	21 (vi)	The Bill is not consistent with the Rehabilitation and Resettlement Policy, 2007 (which was published just a few weeks before the Bill was introduced). The Policy provides benefits for those displaced families residing in a locality for at least 3 years. The residency requirements in the Bill should be changed to 3 years.
House Allotment	The allotment of house or land may be in the joint name of husband and wife.	37 (3)	The allotment of house or land shall be in the joint name of husband and wife.
Definition of Family	The definition of family includes a person, his spouse, minor sons, unmarried daughters, minor brothers, unmarried sisters, father, mother, and other relatives residing with him or her and dependent on him or her for their livelihood.	3(j)	The definition of family is not gender-sensitive and does acknowledge that some families are female-headed. If a son and daughter (both over the age of 18) are displaced, the son would be entitled to his own benefits while the daughter would not. The definition of family should be revised so that major daughters and unmarried sisters are considered their own families.
Other Cases of Displacement	The Bill specifies that the rehabilitation costs must be borne by the requiring body. The benefits in the Bill apply to people displaced by land acquisition and all other cases of involuntary displacement.	2 & 3	The Bill does not specify who will pay the costs for rehabilitation when there is no requiring body. The Bill should explicitly state that the government will bear all rehabilitation costs in cases where there is no requiring body (i.e. in other cases of involuntary displacement such as on account of natural disasters, etc.)
Double Displacement	There are no provisions in the Bill that address cases of double displacement (when a family is displaced more than once within a certain amount of time).		The benefits in the Bill should also apply to those families who are displaced multiple times. The Bill should clearly state that benefits will apply each time a family is displaced. The benefits should also be higher for a second or subsequent displacement.

edited excerpts | vp sawhney |

MALICE TOWARDS

A civil servant recalls extraordinary powers during Emergency a



Legacy to Bureaucracy
by VP Sawhney
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I was born in Lyallpur in the Punjab of undivided India as the youngest of 10 siblings. At the time of Partition, I was 12 years old. We moved to Delhi and, through the intervention of Pandit Nehru, I could join a good school. Thereafter, I studied at St Stephen's College and the University of Delhi. After postgraduation in physics, in accordance with my mother's wish, I appeared for the IAS examination in 1957 and was selected.

I joined the IAS training school at Metcalfe House, New Delhi in 1958. We spent a full year there. The institutional programme was followed by an interactive study tour out of Delhi for four-five weeks. There were three major study tours and most of the travel was by train. We all shared one dominant thought: Join the IAS to see India! K Radhakrishnan of the Indian Civil Service was Principal at Metcalfe House. Plans were also afoot to set up a bigger institute near Mehrauli. However, some political interests, wanting to revitalize the fading glory of Mussoorie, succeeded in changing these plans. Radhakrishnan, not happy with the proposal to shift the school to Mussoorie, did not stay with us long.

After a year of training on probation, I was seconded to the Uttar Pradesh cadre. Over 35 years, I was to have a variety of postings under the state and Central governments. I also served for some years in the UN. My first posting was in Jhansi district followed by a structural instructional programme at the Officers' Training School, Allahabad.

After two years, when I was entitled to a month's leave on full pay and another 15 days on half pay, I decided to take a sea voyage to Europe. The Collector forwarded my leave application to the Commissioner who was an officer inducted into the IAS from the state cadre. He had the official experience but his vision was limited. He summoned me and discouraged me from undertaking such a trip. He then advised me to be serious and concentrate on my career. I was badly disappointed. The next day, Chief Secretary Govind Narain visited Jhansi and I was deputed to escort him. He was a member of the Indian Civil Services and known for warmth and leadership qualities. I mentioned my travel plans in passing and his response was spontaneous and overwhelming. He said it was the best thing I could do at this stage as travel itself provides education. My leave was sanctioned and I sailed out of Mumbai!

When Ram Jethmalani came as a Speaker at a function organized by the local Bar Association, some of the things he said seemed actionable. I mentioned this to him with obvious hints

While I was posted in dacoit-infested Jhansi, the local MP, Dr Sushila Nayar, was keen to secure the surrender of a prominent dacoit, Devi Singh. It was arranged that she would meet him in his hideout. But Devi Singh said politicians could not be trusted and that he would much rather die in dignity than live as a

DIFFERENT STROKES

Ch Charan Singh was Forest Minister of the state when I first met him in Pilibhit district. He impressed me as a very well-intentioned and upright politician. I once asked him what was the most important requirement for an Indian administrator. His reply was: he must have all the attributes of a farmer; a farmer knows he must be honest, hardworking and vigilant; a farmer will not sow a seed that has gone bad; a farmer continues to till the soil until the ground is ready to receive the seed; a farmer cares for the crop as if it were his child." He knew the adage, "As you sow, so shall you reap."

Chief Minister CB Gupta's personality too had a brand image: tough, proud and abrasively confident. The first indication of the man came from the official files. Unlike Ch Charan Singh, he avoided stating his logic explicitly. It was enough to write: "I have some reasons not to agree with the recommendation made by the Chief Secretary".

Chief Minister Sampurnanand refused to address any meeting for himself during election in his own constituency. He would say: "Do I need to tell the people I have grown up with, who I am? It would be an insult to their intelligence!" Once, when I called on him, he put down the book he was reading and talked to me for five minutes. As I got up to leave, the book was taken up again. He was crazy about hydroponics and cricket. Once, seeing the appraisal report of an officer with half the entries praising him and the others criticizing him, he questioned the officer about this amazing contradiction. The officer replied: "Sir, I have remained the same all these years. Maybe when a good officer came he also gave me a good entry."

Pandit Kamlapati Tripathi was Railways Minister when I was District Magistrate at Varanasi, his home town. He was majestic like a banyan tree. There were occasions when some people said something against the administration. He never asked me about this. Instead, he would tell the complainants: "I know you people better, you must have done something wrong; this District Magistrate has no malice against anyone."

NONE

y along with colourful politicians, dacoits et al

Sawhney: during his dapper days

corpse at their bidding. The mission failed. As she was getting into her car, he proffered a wad of hundred-rupee notes as an expression of brotherly regard. Her reply was: "I would have accepted it if it were from the earnings of a brother's sweat and not from hands soaked in other people's blood." But the wad fell into an accompanying Congressman's lap. Nayar told him to throw it out and he did so. But, when Devi Singh picked it up later, it was short by four notes! He is believed to have remarked: "See, the wretched Richariya has taken his cut!"

For sheer dignity and nobility, there was perhaps no one equal to Lal Bahadur Shastri. In the 1962 general election, he came to Jhansi to campaign as Home Minister. I, as city magistrate, followed his entourage. It was a long and tiring day. At the airport, before leaving, he grasped my hand with both his hands, and said: "How much trouble you people have to bear because of us!" Such humility...I had tears in my eyes!

My stay as District Magistrate in Varanasi turned out to be the most fulfilling period of my life. From the work point of view, there were challenges galore. It was the magical milieu of the city, however, that gripped my mind and soul. The vibes of its antiquity, celebrity and distinction had found a permanent place inside me. During the Emergency, I enjoyed extraordinary administrative powers but was never guided by any malice. When Ram Jethmalani came as a Speaker at a function organized by the local Bar Association, some of the things he said seemed actionable. I mentioned this to him with obvious hints. He was quick to explain: "I made my remarks only as a jurist; it was not a political statement nor was I addressing a political forum." I decided not to take any punitive action.

IN another incident, an MLA, a very dignified school teacher brought up in the true Gandhian mould, came to my office with a fervent request to be arrested. I told him that we could not do that as we had nothing against him and he was such a good man. He said that since his leader, Chaudhry Charan Singh, had been arrested, he had no moral right to be where he was. Finally, I told him to stand outside my office and raise a few slogans against Mrs Gandhi. He did so. I called the Senior Superintendent of Police and the MLA was arrested.

Moving from the field to the state Secretariat, my first posting was Deputy Secretary, Home, Confidential & Vigilance, with virtually no power to decide any matter or policy at any level. In 1968, I shifted to Delhi as Deputy Secretary, Ministry of Commerce. This was a big change in perspective. On December 15, 1989, I took charge as Secretary, Ministry of Labour.

About 13 years have passed since I retired. Throughout my career, my personal record remained unblemished. Nevertheless, a feeling lurks inside that, whatever I did or did not do, the soul was not always the master of self! g

Atop Everest

First IPS officer to scale the world's highest mountain

REACHING the summit of the world's highest mountain is achievement enough to get one's name inscribed in the annals of history, but 44-year-old Atul Karwal has other distinctions to boot. He is the first IPS officer to climb Everest. And, belonging to the Gujarat cadre, he is the first Everest summiteer from the state.

Karwal also enjoys other adventure sports, such as skydiving and scuba diving. He has participated in marathons. He was also the Gujarat government escort for pilgrims on the Kailash Mansarovar Yatra of 2005. As Director General of the Sports Authority of Gujarat, he is promoting adventure in a state known for business risk-taking but not the spirit of physical adventure.

Thus, when he summitted Everest on May 22, 2008 as part of a 20-member police team, it was not just wife Anita Karwal (an IAS officer) and daughters Jahanvi and Tanvi but many others, especially in the police force and in the field of adventure sports, who were overjoyed and inspired.

For Karwal, his climb was not a victory over the mountain. As a Shiv *bhakt*, he felt it to be the peak of an ecstatic experience. "When fear wraps you in its fold, when you know that your senses are betraying you in the thin air of high altitude, it is just your survival that matters. You do not conquer, you just survive. The mind stops working and it is a supernatural force which leads to success," he says. In the last phase of the climb, he was wearing someone else's boots but forced himself to walk in them.

The team faced an additional challenge due to the Olympic torch relay, being forced to wait while it passed by en route to the summit. They also had to trek through a difficult route as the Chinese authorities had closed off the traditional route for the torch relay. There were more than eight teams competing for space and time with the police team.

Karwal also emphasizes that the downward journey from the summit matters the most. "It is said that any idiot can climb Everest. The trick is in getting down alive. It is during the descent that most tragedies take place," he points out.

'When fear wraps you in its fold in the thin air of high altitude, it is your survival that matters. You do not conquer, you just survive'

Son of Satyapal Karwal, an IAS officer of the Punjab cadre, Karwal belongs to the 1988 batch and is an Inspector General of Police and currently Joint Commissioner of Police (Traffic), Ahmedabad. Earlier, he looked after Chief Minister Narendra Modi's security. He has undergone commando and martial arts training. g

—*by* Yogesh Sharma, Ahmedabad

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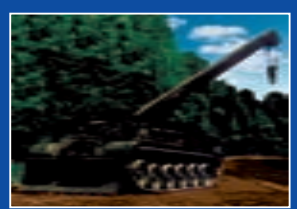

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The gloomy scenario is an excellent time to buy

The markets, at 13,000 levels, have also been subjected to increased volatility caused by continuous flow of information on multiple fronts – most of the time negative. The weekly inflation figures, daily crude prices, day-to-day political developments in view of the nuclear deal, international news such as Iran's nuclear programme are some of the factors that have kept the market on tenterhooks.

The variables influencing the markets have become so complex that it has become difficult to take a call. Inflation is hovering at around 12 per cent with crude prices reaching sky-high levels of $140 a barrel. Interest rates have been rising steadily and have started impacting corporate profitability and growth. The outflow of FIIs' funds is not seen to be abating on the back of unprecedented turbulence in international credit, equity and commodity markets.

The steep correction seems to have discounted most of the uncertainties....A realistic picture about valuations will emerge only after a few months in view of possible earnings downgrades

The uncertainty with regard to the longevity of the government in view of the withdrawal of support by the Left parties opposing the nuclear deal has also added to the woes of the market. The likelihood of any reforms being pursued despite the exit of the Left looks bleak in view of the imminent early elections and the consequent compulsions of the government to keep the electorate happy.

Expectations of a slowdown seem to have been confirmed with the latest IIP numbers. The growth in index of industrial production for May declined to 3.9 per cent as against 10.6 per cent in the same period last year which is way below expectations. Manufacturing growth and that of capital goods also declined to 3.9 per cent from 11.3 per cent and to 2.5 per cent from 22.4 per cent respectively, on year on year basis. All this has made the government rethink its GDP growth target for 2009, which is likely to be revised to 8 per cent or lower. And, if things don't improve soon, we may see the rating of the country downgraded by agencies like Standard & Poor.

But, a decline of almost 40 per cent from the peak achieved in January has made analysts rethink the valuations which many of them say are looking compelling. The steep correction seems to have discounted most of the uncertainties that we have talked about earlier. However, a realistic picture about valuations will emerge only after the next few months in view of the possible earnings downgrades.

Since the markets always discount the future – the future in the long run either doesn't appear to be too bleak or if so is substantially discounted. The FIIs' selling is mainly forced by international developments and they appear to be underweight on India now. Moreover, looking to the increased number of FII registrations with SEBI – which has added 244 fresh sub-accounts and 44 FIIs in a month's time to take the total number of sub-accounts to over 4,300 and that of FIIs to over 1,400, the present scenario of virtual gloom provides an excellent buying opportunity. Though there may be some more downside left due to political and other developments, investors should not attempt to time the market and start investing in a staggered manner. The failure of the monsoon in practically all of western and southern India may turn out to be a dangerous villain for the markets and can further affect the scenario.

This also supports the popular saying that most bull runs are born in pessimism, grow in scepticism, mature in optimism and burst in euphoria.

Neyveli Lignite Corporation

(CMP Rs 100)

ESTABLISHED in 1956, Neyveli – a mini Ratna of the Government of India – is a pioneer in excavation of lignite and generation of power at pit-head thermal power stations. The company's activities are spread over Rajasthan, Gujarat, Orissa and Tamil Nadu. During 2007-08, the company surpassed all previous records in lignite excavation and power generation, and far exceeded its own targets for the year. The company is on a massive expansion plan and is likely to invest Rs 6,630 crore over the next two years in both mining and power generation. With cash of over Rs 4,800 crore and power bonds of Rs 825 crore, the company is in a strong position to support its expansion plan more so due to almost zero debt on its books. This is likely to give a big boost to its profits in years to come.

On financials, the total income of the company increased by 65 per cent in 2007-08 to Rs 36,380 million from Rs 22,101 million the previous year. The operating margin increased to 52 per cent from 40 per cent in the same period. Net profit increased by almost 95 per cent from Rs 566 crore to Rs 1,101 crore with EPS increasing to Rs 6.58 as compared to Rs 3.38 per share.

Besides strong fundamentals, the company is also a potential disinvestment candidate as soon as the reforms are back on track – the possibility of which now appears good with the exit of the Left. g

The author has no exposure in the stock recommended in this column. gfiles does not accept responsibility for investment decisions by readers of this column. Investment-related queries may be sent to gfilesindia@gmail.com with Dr Sood's name in the subject line.

GRSE: On course of excellence in Nation's Defence

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TCP 08

OVER A CENTURY OF EXCELLENCE

birthdays

IAS officers' birthdays | Aug 16–Sept 15, '08

Karma Nidup
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kn.bhutia@ias.nic.in

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IPS officers' birthdays | Aug 16–Sept 15, '08

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Sushil Mansing Khopde
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For the complete list, see www.indianbuzz.com

TRACKING

For a complete list of appointments & retirements, see www.indianbuzz.com

RS PANDEY
The 1972-batch IAS officer of the Nagaland cadre has been appointed Secretary in the Ministry of Petroleum.

ANP SINHA
The 1974-batch IAS officer of the Bihar cadre has become Secretary in the Ministry of Panchayati Raj.

R SRIKUMAR
The 1973-batch IPS officer of the Karnataka cadre is now Director-General of Police of the state.

NB SINGH
The 1971-batch IRS officer has taken over as Chairman of the Central Board of Direct Taxes.

SUSHMA SINGH
The 1972-batch IAS officer of the Jharkhand cadre is now Secretary in the Ministry of Information and Broadcasting.

VIJAI SHARMA
The 1974-batch IAS officer of the Uttar Pradesh cadre has been appointed Secretary, Ministry of Environment and Forests.

ASHOK KUMAR
The 1974-batch IAS officer of the Bihar cadre has taken over as Secretary, Department of Pharmaceuticals under the Ministry of Chemicals and Fertilizers.

JARNAIL SINGH
The 1974-batch IAS officer of the Manipur cadre has joined the Government of India as Secretary, Border Management.

RAHUL SARIN
The 1974-batch IAS officer of the Jharkhand cadre has been appointed Secretary, Ministry of Food Processing Industries.

SIMMI R NAKRA
The 1994-batch IP&TA&FS (Indian Post and Telegraphs Accounts and Finance Service) officer is now Director, Personnel and Training in the Government of India.

BB VYAS
The 1986-batch IAS officer of the Jammu & Kashmir cadre has become Chief Executive Officer of Shri Amarnathji Shrine Board.

ARCHANA SHARMA
The 1994-batch IRS (IT) officer is now Director in the Ministry of Child and Women Welfare, Government of India.

ASHWINI KUMAR TIWARI
The 1994-batch IDAS officer has become Director, Expenditure in the Government of India.

ANURADHA SHANKAR
The 1990-batch IAS officer of the Madhya Pradesh cadre has been appointed DIG, Intelligence of the state.

GAUTAM CHATTERJEE
The 1982-batch IAS officer of the Maharashtra cadre is now Chief Executive Officer of the Maharashtra Housing and Area Development Authority.

PADMA SEN
The 1994-batch IA & AS officer has been appointed Director, Expenditure in the Government of India.

ANITA GUPTA
The 1980-batch IRS officer has become Joint Secretary in the Central Information Commission.

AP FRANK NARONHA
The 1982-batch IIS officer has been appointed Additional Director General (Media Co-ordination) of the state.

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Moving On: ias and ips officers retiring in August 2008

BIHAR
RC Vaish (1972)

CHHATTISGARH
Amir Ali (1996)

GUJARAT
Pramod K Misra (1972)

HARYANA
Harjit S Anand (1973)
Svayam P Sharma (1974)

HIMACHAL PRADESH
Jai Prakash Negi (1975)

KARNATAKA
KS Manjunath (1986)

RAJASTHAN
RN Meena (1977)

TAMIL NADU
LK Tripathy (1971)
PRB Madhavan (1973)

UTTARAKHAND
Madhukar Gupta (1971)
HC Joshi (1990)

UTTAR PRADESH
PK Mishra (1972)

UNION TERRITORIES
AS Khullar (1993)

WEST BENGAL
Gauri Chatterjee (1971)

ips

ARUNACHAL-GOA-MIZORAM-UT
S Prakash (1985)

BIHAR
Satrughan P Singh (1987)

GUJARAT
AM Chauhan (1981)

JAMMU & KASHMIR
Syed Ahmad Syed (2001)

KARNATAKA
Khaleel ur Rehman (1983)

KERALA
Alphonse L Earayil (1974)

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TO OUR READERS

WE NEED YOUR SUPPORT TO SERVE YOU BETTER

Your unique magazine has now been around for just over a year. This was a testing period for our new venture supported by an initial working capital from professional journalists. From the enthusiastic responses we have been receiving we know we have passed with flying colours. Reader support has been overwhelming and for that we extend our deepest gratitude.

Nonetheless, because of the stringent production and newsgathering standards we have maintained, we have been absorbing significant losses. We fully anticipated them. But, thanks to our readers' patronage and loyalty, we have been able to build a quality brand that began to get advertising support from the third month after we commenced production. This, however, has been less than we were expecting in order to upscale our product and to give it better readability, visuals, and visibility.

We have decided, however, to expand the scope of our coverage in order to include areas such as IRS, Postal Service, Indian Defence Accounts Services, Railways, allied services, and more news from the states by increasing the pages and strengthening our team so that our readers will continue to receive exclusive, high-quality information that is not available to them through any other channel.

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We hope you will take advantage of this unique opportunity and continue to be a part of the *gfiles* fraternity as we march from strength to strength.

A hoot and a cheer for meritocracy

THE post of Petroleum Secretary has always been highly in demand. The general impression is that it is not the Prime Minister but a top industrial house, with gargantuan business interests in petroleum, that decides who will dance to its tune in Shastri Bhawan. This time, lobbying for the coveted post got into full swing a month prior to the retire-

ment of the present Petroleum Secretary, MS Srinivasan, on July 31.

A facilitator-turned-Member of Parliament wanted the Secretary, Health and Family Welfare, Naresh Dayal, a 1972-batch IAS officer of their common home state of Uttar Pradesh, to replace Srinivasan. But the lobbying ran aground when the Prime Minister decided to break earlier precedence and make the selection on the basis of merit and in the interest of the petroleum sector. When RS Pandey, a 1972-batch IAS officer of the Nagaland cadre and the present Steel Secretary, was finally selected, his name sounded obscure to the petro powerbrokers. Pandey has drawn praise for tackling the issue of rising steel prices by talking to both the public and private sectors.

Legal eagle, tangle wrangle

THINK twice if you are approaching Delhi Bar Council with a complaint against any of its member advocates. The sheer number and variety of formalities the Council requires you to fulfil before even entertaining the complaint will force a decision on your part not to pursue the matter further.

The recent experience of the president of a voluntary organization in Delhi bears testimony to this. After repeatedly receiving unwanted calls from an advocate, the president wrote to the Council to seek action against him. In its reply, the Council demanded completion of umpteen formalities such as "Send 55 copies of your complaint in English along with an affidavit on non-judicial stamp paper of Rs 10 only attested by an Oath Commissioner in support of your complaint" and "Remit Rs 300/- as complaint fee" followed by "Enclose one talbana and four registered AD & UPC envelopes with appropriate stamps on it(3 envelopes of Rs 25/- (Regd AD) each & Rs 5 (UPC) each, one envelope with stamps after weight of the complaint)".

The Council also sought

from him the enrolment number and address of the advocate. Not sure whether the Council wanted to provide relief to him or to rescue the errant member of its fraternity, the disheartened complainant dropped the matter.

Congress tricks in Rashtrapati Bhawan

PRESIDENT Pratibha Patil recently got a taste of Congress culture when she was reportedly compelled to remove her favourite Principal Secretary, Anand B Kulkarni, a 1982-batch IAS officer of the Maharashtra

cadre, to please two Congress stalwarts.

Suresh Pachauri, former Union Minister and president of the Madhya Pradesh PCC, and a senior Congress functionary who enjoys a pre-eminent status as judge, jury and executioner in party matters, were in charge of Patil's presidential election campaign. After she was elected, she brought in the experienced and upright Kulkarni, who is on deputation to the Government of India till August 2012, into her Secretariat as Principal Secretary.

But Pachauri and the other party functionary, reportedly wanting to bring in their yesman in Kulkarni's place, managed the officer's ouster. Kulkarni has been put on compulsory wait in the President's Secretariat. Patil had to grin and bear it, according to sources.

Goodwill from Serendip

OF late, the Sri Lankan government has been going the extra mile in extending goodwill to India. Take a recent case, when Sri Lankan police nabbed a terrorist wanted by their Indian counterparts in a number of cases of cross-border terrorism. The CBI approached the Sri Lankan authorities for his extradition.

It so happens that, despite being SAARC countries, India and Sri Lanka have no full-fledged extradition treaty between them. What exists is an Extradition Arrangement, operative from September 1, 1978. The norms of this agreement require a case to be lodged first in the country where the person has been caught and then, after completion of cumbersome legal formalities, he can be extradited

to another country under certain conditions.

This impedes speedy trial. None other than the CBI has had bitter experiences in several such cases. Colombo responded differently this time, and the terrorist was handed over without formalities on paper or a case being registered in Sri Lanka. g

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